

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 202001793	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/28/2020 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 109	18 Mo. SOL 8/28/2021	EO SOL 4/14/2022	
Date/Time CV Reported Tue, 03/03/2020 3:49 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/03/2020 3:49 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Alex Cintron	21461	959553	109 PCT
2. POM Evangelos Galatas	28484	932677	109 PCT
3. SGT Vikash Singh	02275	951265	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Loria	25799	955094	109 PCT
2. POM Hao Huynh	16243	957693	109 PCT
3. POM Anthony Brigandi	12840	960279	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Alex Cintron	Off. Language: Police Officer Alex Cintron made offensive remarks to § 87(2)(b) based on perceived mental health.	§ 87(2)(b)
B.POM Alex Cintron	Discourtesy: Police Officer Alex Cintron spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Evangelos Galatas	Discourtesy: Police Officer Evangelos Galatas spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.POM Alex Cintron	Abuse: Police Officer Alex Cintron forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
E.SGT Vikash Singh	Abuse: Sergeant Vikash Singh forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
F.POM Evangelos Galatas	Untruthful Stmt.: Police Officer Evangelos Galatas provided a false official statement to the CCRB.	§ 87(2)(b)

Case Summary

On March 3, 2020, § 87(2)(b) filed this complaint with the CCRB via phone.

On February 28, 2020, at approximately 9:00p.m., § 87(2)(b) was at her home, located at § 87(2)(b) in Queens, when she got into a dispute with her ex-boyfriend § 87(2)(b) the co-owner of her apartment. The dispute was regarding which of them could reside in one of the bedrooms in the apartment. § 87(2)(b) called 911, and PO Alex Cintron, PO Evangelos Galatas, PO Gary Farley, and PO Joseph Gismondi responded. After some discussion, all four officers left with § 87(2)(b).

At approximately 11:00p.m., § 87(2)(b) called 911 again, and PO Galatas and PO Cintron returned to the apartment, followed by Sgt. Vikash Singh, PO Hao Huynh, PO Joseph Loria, and PO Anthony Brigandi. PO Cintron allegedly told § 87(2)(b) that she had “mental issues,” (**Allegation A: Offensive Language,** § 87(2)(g) **Allegation B: Discourtesy,** § 87(2)(g) He then requested an ambulance over the radio. PO Galatas stated, “We’re EDP-ing her for that shit, definitely. Intox,” (**Allegation C: Discourtesy,** § 87(2)(g) Upon arriving on scene, Sgt. Singh instructed PO Cintron and PO Galatas to place § 87(2)(b) in handcuffs. She was evaluated by EMTs from New York Presbyterian and was transported to § 87(2)(b) (**Allegation D: Abuse of Authority,** § 87(2)(g) **Allegation E: Abuse of Authority,** § 87(2)(g) PO Galatas provided a false official statement to the CCRB during his interview (**Allegation F: Untruthful statement,** § 87(2)(g)).

No arrests were made, and no summonses were issued during this incident.

The investigation received eight body-worn camera videos of the incident, four of which were recorded by PO Cintron.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Alex Cintron made offensive remarks to § 87(2)(b) based on perceived mental health.

Allegation (B) Discourtesy: Police Officer Alex Cintron spoke discourteously to § 87(2)(b)

The investigation received body-worn camera footage from PO Cintron, PO Galatas, PO Huynh, Sgt. Singh, and PO Loria (BR 01-08). In PO Cintron’s first body-worn camera video at 10:32, PO Cintron states to § 87(2)(b)’s friend § 87(2)(b) that he clearly has not dealt with “crazy tenants.” No other statements made by PO Cintron about § 87(2)(b)’s mental health were captured on body-worn camera footage (BR 01).

§ 87(2)(b) testified that after a short discussion with PO Cintron and PO Galatas during which she was very angry and was raising her voice, PO Cintron stated that § 87(2)(b) had mental issues or was on drugs and needed to be checked (BR 09-10).

PO Galatas, Sgt. Singh, PO Loria, and PO Huynh all testified that they did not recall whether PO Cintron or any officer stated that § 87(2)(b) had “mental issues,” or made any statements about § 87(2)(b)’s perceived mental health or mental disability (BR 11-14).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Evangelos Galatas spoke discourteously to § 87(2)(b)

PO Loria’s body-worn camera footage from 5:28 to 5:35 shows PO Galatas, PO Cintron, and § 87(2)(b) inside § 87(2)(b)’s apartment at § 87(2)(b) § 87(2)(b) (BR 05). They are standing in the kitchen, a small room. PO Galatas turns to PO Loria, who is standing in the doorway to the apartment a few feet from PO Galatas, and states, “We’re EDP-ing her for that shit,

definitely. Intox” § 87(2)(b) is standing approximately four to five feet from PO Galatas and states to PO Galatas and PO Loria, “Are you guys crazy?” Other than PO Galatas and § 87(2)(b) no other person made statements in that time frame.

PO Cintron’s first body-worn camera video from 7:32 to 7:37 captures PO Galatas making this statement (BR 01). PO Cintron is standing across the room from PO Galatas, and § 87(2)(b) is standing between PO Cintron and PO Galatas.

PO Galatas testified that he did not ever state that he was going to “EDP § 87(2)(b) for that shit,” and did not use any profanity while on scene. When presented a portion of PO Loria’s body-worn camera footage from 5:05 to 5:35, PO Galatas could hear himself stating that the officers were “EDP-ing” § 87(2)(b) and that she was “intox.” He did not hear himself use any profanity in the footage. PO Galatas stated that they would “EDP” § 87(2)(b) due to her erratic and irrational behavior on scene. PO Galatas did not hear how he had referred to that reason in the video. When presented the same portion from 5:12 to 5:34, PO Galatas heard himself state, “We’re EDP-ing her, definitely intox.” When presented the same portion of video for a third time from 5:14 to 5:32, PO Galatas did not hear himself make any statements between “EDP-ing her” and “definitely, intox.”

Officers must respect the dignity of every individual and render services with courtesy and civility, per NYPD Patrol Guide Procedure 200-02 (BR 16). Profane statements made during stressful, violent confrontations or while an officer is trying to gain control of a chaotic situation, do not constitute misconduct per DAO-DCT Case Number 2018-18951 (BR 17).

Although PO Galatas testified that he did not hear the discourtesy in the footage presented to him, the investigation has determined based on the body-worn camera footage of PO Loria that PO Galatas made this statement. Body-worn camera footage shows § 87(2)(b) standing a short distance away from PO Galatas, in a small room in which only PO Galatas and § 87(2)(b) were speaking. Given § 87(2)(b)’s physical proximity to PO Galatas, the lack of background noise, that the statement was audible from PO Cintron’s location within the apartment, and that § 87(2)(b) directly addressed PO Galatas immediately following PO Galatas’ statement, the investigation determined that § 87(2)(b) was able to hear the profane statement made by PO Galatas. Although § 87(2)(b) was yelling, the situation was controlled and was neither chaotic nor stressful. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Alex Cintron forcibly removed § 87(2)(b) to the hospital.

Allegation (E) Abuse of Authority: Sergeant Vikash Singh forcibly removed § 87(2)(b) to the hospital.

PO Cintron’s first body-worn camera video beginning at 2:05 shows PO Cintron entering § 87(2)(b)’s apartment and speaking to her (BR 01). § 87(2)(b) states that PO Cintron previously had a different name and badge number, and that she has already called the CIA and the FBI. At 3:21, § 87(2)(b) states that either PO Galatas or PO Cintron is a spy. At 3:28, PO Cintron requests an ambulance to the location for a non-violent EDP. The only officers on scene are PO Cintron, PO Galatas, PO Loria, and PO Brigandi. From 5:26 to 6:24, PO Cintron and PO Galatas ask if § 87(2)(b) has been drinking. She asks what is wrong with drinking, and states that she drinks every night.

At 7:39, approximately ten seconds after he arrives on scene, Sgt. Singh states, “You know what? Cuff her.” PO Cintron tells § 87(2)(b) to place her hands behind her back, and he and PO Galatas place handcuffs on § 87(2)(b). Sgt. Singh states that § 87(2)(b) is being handcuffed for her own safety, because she is “excited.” PO Cintron states that § 87(2)(b) is irate and intoxicated.

In Sgt. Singh’s body-worn camera footage at 4:09, § 87(2)(b) states that she is “probably drunk,” (BR 07).

In PO Galatas' body-worn camera footage from 12:12 to 14:38, PO Galatas walks with § 87(2)(b) who is still handcuffed, to the ambulance (BR 06). She steps inside, and PO Galatas tells the EMT that § 87(2)(b) has admitted to drinking, and has been making statements that the officers are part of the FBI and the CIA. The EMT steps into the ambulance and asks § 87(2)(b) what happened.

PO Cintron's third body-worn camera video shows § 87(2)(b) sitting in the ambulance, still in handcuffs, speaking to the EMT and PO Cintron for approximately four minutes while still outside § 87(2)(b) (BR 03). PO Cintron's camera is deactivated before they leave for the hospital. PO Cintron's fourth body-worn camera video shows § 87(2)(b) and the EMT in the back of the ambulance on the way to the hospital (BR 04).

§ 87(2)(b) testified that when the officers were at her apartment earlier in the day, she recognized PO Cintron from two earlier incidents that took place on January 7, 2020 and January 28, 2020. On January 7, 2020, § 87(2)(b) read the name "Martin" and number 24921 from the officer's shield. She did not get his name on January 28, 2020. However, on February 28, 2020, § 87(2)(b) read the name "Cintron" and number 21461 from PO Cintron's shield. When § 87(2)(b) noticed that PO Cintron appeared to be the same officer that had been to her apartment twice before but with a different name, she asked him if he was a spy and asked why he had a different name and badge number.

At some point between 9:00p.m. and 11:00p.m. on February 28, 2020, § 87(2)(b) drank less than one glass of wine, but was slightly drunk. When PO Cintron and PO Galatas returned to the apartment, PO Cintron stated that § 87(2)(b) needed to be checked for mental issues or drug use. He called an ambulance and placed handcuffs on § 87(2)(b) by grabbing her arms and pulling them behind her back. PO Cintron and PO Galatas were in the apartment for approximately 10-15 minutes before handcuffing § 87(2)(b). Once handcuffed, § 87(2)(b) walked with the officers out of her apartment, through the lobby of her building, and into the ambulance.

In an unverified phone statement, § 87(2)(b) stated that § 87(2)(b) was intoxicated, began arguing with officers, and was taken to the hospital because she was intoxicated (BR 18). Officers explained to § 87(2)(b) that because she was intoxicated, they would take her to the hospital for her safety, as she was a danger to herself and others. § 87(2)(b) observed alcohol bottles nearby and wine staining on § 87(2)(b)'s lips. She was also arguing with the officers and stating that they were spies.

PO Galatas testified that he did not recall, but he believed that an ambulance was called for § 87(2)(b) based on her alcohol intake and her behavior. PO Galatas did not recall any further reasons for calling an ambulance. PO Galatas did not recall who made the decision to call the ambulance, but that the purpose was to have EMS evaluate § 87(2)(b) to determine whether she needed to be taken to the hospital. Sgt. Singh, PO Huynh, and PO Loria all did not recall how the decision was made to call an ambulance.

PO Huynh testified that § 87(2)(b) appeared to be emotionally disturbed because she was emotional, uncooperative, ignoring everyone around her, and speaking in tangents. PO Galatas and Sgt. Singh did not recall whether § 87(2)(b) was a danger to herself or others. PO Huynh and PO Loria both stated that she was a danger to herself or others because of the general possibility that the situation could escalate into a physical fight.

Sgt. Singh testified that he instructed officers to place § 87(2)(b) in handcuffs for their safety approximately two seconds after arriving on scene, per procedure. There was nothing specific to her behavior or appearance that warranted handcuffs. Sgt. Singh did not recall why it was necessary for § 87(2)(b) to go to the hospital, but stated that if a person is intoxicated, then it is generally not safe to leave them at home with people they are in conflict with, as it can escalate. Sgt. Singh did not recall who § 87(2)(b) needed to be separated from and did not recall why § 87(2)(b) was removed to the hospital as opposed to other civilians on scene. He did not recall whether there were any specific things on scene that indicated that the situation would escalate. Sgt. Singh did not believe that there was a reason other than the potential to escalate that an ambulance was called.

The Prehospital Care Report (PCR) prepared by EMT Gary Cisek and EMT Juan Reyes states that § 87(2)(b) had admitted to alcohol use, was speaking irrationally, denied feelings of suicide,

and did not hear voices or feel like hurting herself or others (BR 19). The PCR also indicated that § 87(2)(b) was displaying Rational Thinking Loss and listed the provider impression as “Behavioral disorder.”

§ 87(2)(b)'s medical records from § 87(2)(b) show that § 87(2)(b) was admitted § 87(2)(b) for agitation, was diagnosed with agitation, and discharged to home/self-care § 87(2)(b) with an indication that her condition had improved by that point (BR 20).

When a uniformed member of service reasonably believes that a person who is apparently mentally ill or an emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in serious injury to himself or others, members of service must request an ambulance, attempt to isolate and contain the EDP while maintaining a zone of safety, and have the EDP removed to the hospital in an ambulance, restraining them if necessary, per NYPD Patrol Guide Procedure 221-13 (BR 21).

§ 87(2)(g)

Given § 87(2)(b)'s alcohol intake, state of agitation, and statements regarding spies, the CIA, and the FBI, the officers on scene could reasonably determine that § 87(2)(b) may have been mentally ill or in need of medical attention. However, according to PO Cintron's contemporaneous statements captured in body-worn camera footage and the conclusions of the EMTs written in the PCR, § 87(2)(b) was not violent and did not display any intent to harm herself or others. No officer testified that § 87(2)(b) was a danger to herself or others based on her specific actions on scene, only that the situation had the potential to escalate due to her intoxication. While PO Cintron made the request for an ambulance just prior to Sgt. Singh's arrival on scene, Sgt. Singh made the decision to place § 87(2)(b) in handcuffs within ten seconds of arriving, which remained on § 87(2)(b) as she was transported to the hospital. § 87(2)(g)

Allegation (F) Untruthful Statement: Police Officer Evangelos Galatas provided a false official statement to the CCRB.

As discussed above, PO Loria's body-worn camera footage from 5:28 to 5:35 shows PO Galatas stating, “We're EDP-ing her for that shit, definitely. Intox,” while standing approximately four to five feet from § 87(2)(b) (BR 05).

During his interview, PO Galatas testified that he did not ever make such a statement and did not use any profanity while on scene. When PO Galatas was presented the portion of PO Loria's body-worn camera footage that captures this statement, beginning at the 1:02:25 mark in the interview recording, he requested to watch the footage again. After viewing the footage a second time, PO Galatas was asked whether he made any statements in the portion of footage, and he stated, “...at some point I also stated, ‘We're EDP-ing-her, and she's intox.’” PO Galatas was asked whether he used any profanity in the footage, and he stated, “Not at all.” When PO Galatas was asked if he heard in the video how he referred to the reason for taking § 87(2)(b) to the hospital, he stated that the words he heard were “EDP” and “Intox.” PO Galatas was played the portion of footage a third time and was asked what he stated prior to “Definitely intox.” PO Galatas stated, “You're asking me what I'm stating there, and I'm looking at the video, and I'm stating, looking at the video, because I don't recall the situation, it sounded like I said, ‘definitely intox,’ so she's definitely intox.” PO Galatas was asked whether he heard himself stating anything between “EDP” and “definitely intox,” and he requested that the video be played again. After viewing the portion of footage a fourth time, PO Galatas stated, “It sounded like I said, ‘We're EDP-ing her,’ and then I stated, ‘definitely intox,’ just to give the officers an indication that she's been drinking.” PO Galatas was asked whether he heard himself state anything between “EDP” and “definitely intox,” and he stated that he did not.

Officers are prohibited from deliberately providing official CCRB testimony that they know to be untrue which is material to the outcome of the related investigation per NYPD Patrol Guide Procedure 203-08 (BR 22).

§ 87(2)(g) PO Galatas provided testimony that directly contradicted the available evidence and did not amend his testimony after being presented the evidence four times, § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 -
 -
- This is the first complaint in which PO Cintron has been a subject.
- PO Galatas has been a member of service for 18 years and has been a subject in eight CCRB complaints and 16 allegations, of which two were substantiated (see officer history):
 - Case #202003999 involved a substantiated allegation of offensive language against PO Galatas. The Board recommended charges and the NYPD has not yet imposed discipline.
 - Case #201504429 involved a substantiated allegation of a refusal to provide name and shield number against PO Galatas. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
- Sgt. Singh has been a member of service for 10 years and this is the first complaint in which he has been a subject.

Mediation, Civil, and Criminal Histories

- On May 11, 2020, this case was sent to mediation and on November 10, 2020 the case was returned to investigation as the complaint was no longer suitable for mediation.
- On August 31, 2021, the Office of the New York City Comptroller indicated that no Notices of Claim had been filed regarding this incident (BR 24)
- § 87(2)(b)

Squad: 11

Investigator: Isabel Cifarelli Inv. Isabel Cifarelli 09/24/21
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 09/27/21
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

